

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:11-cr-100
v.)	
)	Chief Judge Curtis L. Collier
KYLE MONTGOMERY)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) accept Defendant's plea of guilty to Count One of the One-Count Bill of Information;

(2) adjudicate Defendant guilty of the charges set forth in Count One of the Bill of Information;

(3) defer a decision on whether to accept the plea agreement until sentencing; and (4) find Defendant shall remain in custody until sentencing in this matter (Court File No. 23). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 23) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's plea of guilty to Count One of the Bill of Information is **ACCEPTED**;
- (2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Bill of Information;
- (3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Thursday, April 12, 2012 at 9:00 a.m. [EASTERN]** before the

Honorable Curtis L. Collier.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE